

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SAFE HAVEN HOME CARE, INC.,	)	
EVERGREEN HOMECARE SERVICE	)	
OF NY INC., ELIM HOME CARE	)	
AGENCY, LLC, DHCARE	)	Civil Action No.:
HOMEHEALTH, INC., SILVER LINING	)	
HOMECARE AGENCY, AND ANGEL	)	<b>ECF Case</b>
CARE, INC.	)	
Plaintiffs,	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES,	)	
XAVIER BECERRA, in his official	)	
capacity as Secretary of the United States	)	
Department of Health and Human Services,	)	
UNITED STATES CENTERS FOR	)	
MEDICARE & MEDICAID SERVICES,	)	
CHIQUITA BROOKS-LASURE, in her	)	
official capacity as Administrator of the	)	
U.S. Centers for Medicare and Medicaid	)	
Services, NEW YORK STATE	)	
DEPARTMENT OF HEALTH, MARY T.	)	
BASSETT, in her official capacity as	)	
Commissioner of the New York State	)	
Department of Health, BRETT R.	)	
FRIEDMAN, in his official capacity as	)	
Medicaid Director of the New York State	)	
Department of Health	)	
Defendants.	)	
_____	)	

**DECLARATION OF NEIL KOSLOWE IN SUPPORT OF PLAINTIFFS' ORDER TO  
SHOW CAUSE FOR PRELIMINARY INJUNCTION, TEMPORARY RESTRAINING  
ORDER, AND EXPEDITED BRIEFING SCHEDULE**

I, Neil Koslowe, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at the law firm of Potomac Law Group, PLLC, counsel of record for Plaintiffs Safe Haven Home Care, Inc., Evergreen Homecare Service of NY Inc., Elim

Home Care Agency, LLC, DHCare Homehealth, Inc., Silver Lining Homecare Agency, and Angel Care, Inc., (collectively, “Plaintiffs”). I submit this Declaration in Support of Plaintiffs’ Proposed Order to Show Cause for a Preliminary Injunction, Temporary Restraining Order, and an Expedited Briefing Schedule as against Defendants United States Department of Health and Human Services (“HHS”), Xavier Becerra, in his official capacity as Secretary of HHS, United States Centers for Medicare & Medicaid Services (“CMS”), Chiquita Brooks-Lasure, in her official capacity as Administrator of CMS, New York State Department of Health (“NYSDOH”), Mary T. Bassett, in her official capacity as Commissioner of the NYSDOH, and Brett R. Friedman, in his official capacity as Medicaid Director of the NYSDOH (collectively, “Defendants”).

2. An expedited briefing schedule is necessary in this case due to the upcoming first directed payment that Defendant NYSDOH is expected to make on March 31, 2022. Without an expedited briefing schedule, the parties will not have an opportunity to brief the arguments Plaintiffs raise in their Memorandum of Law in Support of Order to Show Cause for a Temporary Restraining Order, Preliminary Injunction, and Expedited Briefing Schedule, prior to the NYSDOH’s first directed payment. Nor will the Court have an opportunity to hold a hearing on Plaintiffs’ requested relief before that date.

3. As stated in Plaintiffs’ Complaint for Declaratory and Injunctive Relief; Memorandum of Law in Support of Order to Show Cause for a Temporary Restraining Order, Preliminary Injunction, and Expedited Briefing Schedule; and supporting declarations, Defendants have violated the Administrative Procedure Act on numerous grounds and, if not enjoined by this Court, will cause irreparable harm to Plaintiffs. Thus, without an expected

briefing schedule, Plaintiffs cannot be heard on their motion to enjoin Defendants from issuing the first directed payment such that the resulting irreparable harm can be avoided.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 18, 2022

/s/ Neil H. Koslowe  
Neil H. Koslowe (N.Y. Bar No. 2309854)